

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REGAN ADAM REYNOLDS,

Petitioner,

Case No. 1:19-cv-383

v.

Honorable Paul L. Maloney

RANDEE REWERTS,

Respondent.

ORDER

In accordance with the opinion entered this day:

This matter is presently before the Court on Petitioner's motion for an evidentiary hearing. (ECF No. 3.)

IT IS ORDERED that Petitioner's motion for a hearing (ECF No. 3) is **DENIED**. Petitioner motion is based on an unfounded claim that his habeas issues were never decided on the merits. Generally, habeas corpus actions are determined on the basis of the record made in the state court. *See* Rule 8, Rules Governing § 2254 Cases. An evidentiary hearing in the district court is not mandatory unless one of the circumstances listed in 28 U.S.C. § 2254(e)(2) is present. *See Sanders v. Freeman*, 221 F.3d 846, 852 (6th Cir. 2000). Here, the state-court record supplied by Petitioner is adequate under § 2254(e).

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

Dated: July 17, 2019

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge